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IAB# FO2298882

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IAB# FO2298882

SUPERVISOR'S REPORT ON USE OF FORCE

Incident Information

URN: 911-01021-5100-144	Date: 10/15/11	Time: 1645	
Location: 441 Bauchet Street	City or Station: Los Angeles		
Bureau/Station/Facility: Custody Services Division /Men's Central Jail	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant - Team Takedown, O. C. Spray, TASER, Personal Weapons, Control holds, Hobble and TARP.			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Stefanie Fredericks	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted]	Last Name: Herrera	First Name: Jose	Middle Name: Jorge
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 8000 Title 15 Deputy
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5' 5" Weight: 165
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #:	Directed Force ☐	Significant Force ☒

E2

Employee # [redacted]	Last Name: Womack	First Name: Noel	Middle Name: Ryan
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 8000 Control Prowl
Shift: ☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 6' 4" Weight: 250
☒ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #:	Directed Force ☐	Significant Force ☒

E3

Employee # [redacted]	Last Name: Nguyen	First Name: Christopher	Middle Name: Hoa
Sex: ☒ Male ☐ Female	Race: A	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 8100 Control/Prowl
Shift: ☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5' 10" Weight: 165
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #:	Directed Force ☐	Significant Force ☒

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Castillo	Maricela	NMN	Sgt.	YES ☒ NO ☐	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Estep	Rosa	I.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Limon	Robin	A.

Lieutenant Robin Limon
Watch Commander (**Print Name**)

Watch Commander's **Signature**:

Sergeant Dinah L. Grote
Supervisor Completing Form: **(Print Name)**

Emp #: [redacted]

Copy Provided to Emplo

Ralph G. Ornelas
Unit Commander (**Print Name**)

Unit Commander's **Signature**:

ENTERED 10/2

DISCOVERY Use Only
FO# 2198882

Ori
Copy: Unit Comm...

03/12)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
911-01021-5100-144

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	[redacted]

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6' 0"	220

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			☐ Directed Force ☒ Significant Force

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	[redacted]

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	[redacted]	5' 7"	175

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			☒ Directed Force ☐ Significant Force

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	Castillo	Maricela	NMN

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	H	Men's Central Jail	3000 Floor Sergeant

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 11"	175

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			☒ Directed Force ☐ Significant Force

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			☐ Directed Force ☐ Significant Force

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			☐ Directed Force ☐ Significant Force

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 1 - 0 1 0 2 1 - 5 1 0 0 - 1 4 4

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Dominguez	Mark	Anthony
[redacted]	Esquibel	Gary	James

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Sup~rvisor's Report on Use of Force
SUSPECT INFORMATION
911-01021-5100-144

Suspect Information

S 1

Last Name	Smith	First Name	Timothy	Middle Name	Sean
AKA Last Name	Smith	First Name	Timonthy	Middle Name	

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 39 | Height: 5' 7" | D.O.B. 11/09/72 | Weight: 200 | Armed? ☐

Booking #: 2910313 | Primary Charge Code: 12500(A) C.V.C. | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: Perelly #[redacted] Unit: Rescue 4 Phone #: 213-974-4961

Hospital Admission? ☒ Rec'd Treatment At: LAC-USC Medical Center Coroner Case #: Mental History ☒ User's guide provides direction on this entry

By Doctor: White Address: 1200 North State Street, Los Angeles, 90063 Phone #: (323) 409-1000

Under Influence: ☐ YES ☒ NO Substance: | 5150 a factor in force ☐ YES ☒ NO User's guide provides direction on this entry

Suspect Interview

Date: 10/15/11 | Time: 1715 | ☐ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force

911-01021-5100-144

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Smith	S#1	Herrera	E#1	RS, UC, PK	NN	
Smith	S#1	Womack	E#2	RS, UC, PK	NN	
Smith	S#1	Nguyen	E#3	RS, UC, PK	NN	
Smith	S#1	[redacted]	E#4	RS, UC, PK	NN	
Smith	S#1	[redacted]	E#5	RS, UC, PK	NN	
Smith	S#1	Castillo	E#6	UC, PK	NN	
Herrera	E#1	Smith	S#1	PH	FR	HE, WR
Herrera	E#1	Smith	S#1	TT	AB,	FA
Herrera	E#1	Smith	S#1	TR	CP	SH
Herrera	E#1	Smith	S#1	CT	SD	WR
Womack	E#2	Smith	S#1	PH	FR	FA
Womack	E#2	Smith	S#1	TT	FR	LE, HE
Womack	E#2	Smith	S#1	OC	CP	FA
Womack	E#2	Smith	S#1	CT	CP	WR
Womack	E#2	Smith	S#1	TP	SD	WR
Nguyen	E#3	Smith	S#1	CT	AB	FA
Nguyen	E#3	Smith	S#1	PH	FR	FA
Nguyen	E#3	Smith	S#1	PO	CP	LE
[redacted]	E#4	Smith	S#1	CT	CP	WR
[redacted]	E#4	Smith	S#1	RH	CP	HD
[redacted]	E#5	Smith	S#1	CT	CP	LE
[redacted]	E#5	Smith	S#1	HB	CP	LE
Castillo	E#6	Smith	S#1	HB	NN	
Castillo	E#6	Smith	S#1	TP	NN	

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
USE OF FORCE - FRACTURED ORBITAL
IAB# FO2298882

URN#: 911-01021-5100-144

DATE / TIME: Saturday, October 15, 2011, 1645 hours

LOCATION: Men's Central Jail - 8000 Floor
441 Bauchet Street, Los Angeles, CA. , 90012

SUSPECT: Inmate Timothy Sean Smith, MB/39, Booking #2910313
[redacted]

INVOLVED EMPLOYEES:
Deputy Jose Herrera, #[redacted], PM's, 8000 Title Deputy
Deputy Noel Womack, #[redacted], PM's, 8000 Control/Prowl
Deputy Christopher Nguyen, #[redacted], PM's, 8100 Title 15 Deputy
Deputy [redacted], #[redacted], PM's, [redacted]
Deputy [redacted] #[redacted], PM's, [redacted]
Sergeant Maricela Castillo, #[redacted], PM's, 3000 Floor Sergeant

On-call Internal Affairs Bureau personnel responded to Men's Central Jail and assumed the handle on a force investigation after learning that an inmate suffered a fractured orbital during a fight with deputies. The fracture was not confirmed by hospital personnel until the next day. Attorney Walter Katz of the Office of Independent Review was also notified.

SYNOPSIS:

On October 15, 2011, at approximately 1645 hours, Inmate Timothy Smith was seated on a bench on the 8000 Floor of the Men's Central Jail. Inmate Smith was awaiting medical treatment for a pre-existing medical condition. Two Jail Mental Evaluation Team (JMET) nurses, one male and one female, walked past the inmate and onto Elevator #4.

Almost immediately, Inmate Smith stood up, began to scream, and waived his hands in the air. Inmate Smith then ran into the open elevator, directly at the nurses, and knocked the male nurse to the ground. He then grabbed the female nurse's arm, and attempted to wrap his arms around her. The female nurse was able to pull away, and both nurses ran out of the elevator.

Deputies Jose Herrera and Noel Womack heard the screaming and then saw the two nurses run out of the elevator. Deputies Womack and Herrera ran to the elevator and saw Inmate Smith standing near the rear wall screaming and waiving his hands in the air.

The deputies conducted a team takedown by grabbing onto Inmate Smith's arm and stomach/torso area, then pulling him down to the ground where he landed face down, onto his stomach. Inmate Smith refused their verbal commands to place his hands behind his back, and violently thrashed and kicked. Deputies Womack and Herrera tried to grab the inmate's hands and force them behind his back, but the inmate was able to pull away and continued to ignore their verbal commands.

Deputy Womack sprayed the inmate with O.C. spray, which enraged the inmate even more so. Deputy Womack punched the inmate's face three times and then his upper back area three times, but the inmate would not relinquish his hands and they were still not able to handcuff the him. Deputy Herrera attempted to apply a wrist lock to the inmate's left arm, but the inmate pulled it from his grasp.

Deputy Christopher Nguyen arrived and attempted to control the inmate's legs by using a "bear hug" grip, but was unsuccessful as the inmate kicked violently. Deputy Herrera punched the inmate in the face approximately five times, which allowed him to grab and maintain some control of the inmate's left arm. Recognizing that the inmate's arms were not controlled, Deputy Nguyen moved up to the inmate's waist area to assist and punched the inmate's face one time, then gave Inmate Smith two to three knee strikes to his left rib cage area. Assisted by Deputy Nguyen, Deputy Herrera was able to pull the inmate's left arm behind his back and Deputy [redacted] handcuffed it, but the inmate continued to struggle and resist their efforts.

Deputy Dominguez arrived and saw several deputies fighting with the inmate. Because the elevator door automatically closes, Deputy Dominguez leaned his back against the door to keep it in an open position. He remained there up until the time the inmate was removed.

Deputy [redacted] arrived and saw the inmate violently kicking his legs, so he attempted to place a hobble around the inmate's ankles. About this time, Sergeant Maricela Castillo arrived and saw the inmate thrashing his arms, kicking his legs, resisting the deputies' efforts to control his arms, and not complying with their verbal commands. Sergeant Castillo noticed Deputy [redacted] having difficulty applying the hobble, so she directed him to place it around the inmate's legs, which he did.

Simultaneously, as Deputy Womack struggled to gain control of the inmate's left arm, Deputy Herrera drive stunned the inmate's right forearm, twice, which was successful allowing Deputy Womack to place the inmate's right arm behind his back. The deputies, which now included Deputy [redacted] were able to force the inmate's hands behind his back and handcuff him.

After being handcuffed and hobbled, the inmate continued to thrash and kick, so Sergeant Castillo directed Deputy Womack to attach the hobble to the inmate's handcuffs. The hobble belt was moved up to the inmate's knees and Deputy Womack attached the hobble clip to the handcuffs, which completed the Total Appendage Restraint Procedure (TARP).

During this incident, Sergeant Castillo arrived at the elevator. She ordered the deputies to hobble the inmate, and then to TARP him. She remained with the inmate while he was turned onto his side. They, along with the 8000 Floor medical staff, monitored the inmate. After a few minutes, the inmate calmed down enough to be seated on a bench until paramedics responded to treat him.

Inmate Smith was transported to the Los Angeles County-USC Medical Center (LAC-USC MC) where on October 16, 2011, he was diagnosed with a broken right orbital. It was suggested he might have an injury to his shoulder, by medical staff, but it had not been confirmed. The inmate refused to sign the medical waiver form, so the exact extent of his injuries is yet to be determined. While still being treated at LAC-MC, Inmate Smith was released from jail custody on October 16, 2011, at 1333 hours.

The deputies were not injured during the incident. The female nurse sustained a sore arm. The male nurse was not injured. The City Attorney's Office did not file assault charges against Inmate Smith because the victims' injuries were minimal and the victims declined to testify.

The inmate was interviewed and stated that he suffers from "Bi-Polar" disorder, which causes him to experience "episodes" where he loses control. He admitted to the events as the deputies described, with the exception that he didn't recall being hit by the deputies. He added that during his "episodes," he often experiences moments when he blacks out and doesn't remember what happened. The inmate said he had instigated the fight, and the deputies merely did their jobs.

INVOLVED EMPLOYEES:

HERRERA, Jose J.
Deputy Sheriff, Employee #[redacted]
Custody Services Division / Men's Central Jail

Work History:

Date of Employment:	10/25/2006
Date assigned to MCJ:	07/15/2007
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

WOMACK, Noel R.
Deputy Sheriff, Employee #[redacted]
Custody Services Division / Men's Central Jail

Work History:

Date of Employment:	03/27/2006
Date assigned to MCJ:	08/20/2006
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

NGUYEN, Christopher H.
Deputy Sheriff, Employee #[redacted]
Custody Services Division / Men's Central Jail

Work History:

Date of Employment:	09/17/2007
Date assigned to MCJ:	02/10/2008
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

[redacted]
Deputy Sheriff, Employee #[redacted]
Custody Services Division / Men's Central Jail

Work History:

Date of Employment:	06/28/2006
Date assigned to MCJ:	11/05/2006
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

[redacted]
Deputy Sheriff, Employee #[redacted]
Custody Services Division / Men's Central Jail

Work History:

Date of Employment:	10/03/2007
Date assigned to MCJ:	02/10/2008
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

CASTILLO, Maricela NMI.
Sergeant, Employee #[redacted]
Custody Services Division / Men's Central Jail

Work History:

Date of Employment:	01/17/2002
Date assigned to MCJ:	01/16/2011
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

EMPLOYEE WITNESSES:

DOMINGUEZ, Mark A.
Deputy Sheriff, Employee #[redacted]
Custody Services Division / Men's Central Jail

ESQUIBEL, Gary J.
Deputy Sheriff, Employee #[redacted]
Custody Services Division / Men's Central Jail

NON-EMPLOYEE WITNESS:

None.

> **IAB Note:** After the incident, the two civilian mental health workers (Ms. [redacted] and Mr. [redacted]) were contacted by Lieutenant Limon. They stated that after they ran out of the elevator they ran down the hallway and did not witness any force by deputy personnel.

SUSPECT / INMATE INFORMATION:
SMITH, Timothy Sean, MB/39, DOB: 11/09/72, 5' 07", 200 pounds
Booking #2910313, CCHRS #[redacted] CII #[redacted], FBI #[redacted] and MAIN #[redacted]

A check of CCHRS (Consolidated Criminal History Reporting System) revealed that [redacted] For further, refer to a copy of his CCHRS/CII printouts included in ***Exhibit Y,*** in the case book.

INJURIES:
Suspect Timothy Smith sustained a fractured right orbital, contusion/cut left eye, cut on inner lip, scratches to his face, elbow, lower back and arms, swollen right knee, and complained of pain to his right wrist, back, and legs. Regarding Inmate Smith's injuries, refer to the supplemental reports and photographs included in ***Exhibit S, T, and U***.

> **IAB Note:** Inmate Smith declined to sign the Release for Medical Records Authorization form.

PHYSICAL EVIDENCE:
None.

INVESTIGATORS' OBSERVATIONS:
The scene was not held by the personnel from Men's Central Jail due to the fact the fracture diagnosis was not made until the next day, wherein follow-up notification to IAB was made.

WEAPONS USED BY DEPUTY PERSONNEL:
Deputy Herrera assisted in a team take, personal weapons (fist and body weight), control holds, and Taser.

> **IAB Note:** The X26 Taser, serial #X00-313878, had a camera that did not record nor could the data be retrieved. The Taser was sent to Taser International for repair and/or for data retrieval. Their CS (Customer Service) could not find any technical issues nor was there any video data to retrieve, so the Taser was sent back to Men's Central Jail. The Taser Report shows three usage times: 5, 5, and then three seconds, respectively. The battery charge was at 72 and 71%. For further, refer to the Taser Report included in ***Exhibit D***.

Deputy Womack assisted in a team take, O.C. spray, personal weapons (fist and body weight), control holds, and TARP.

Deputy Nguyen used control holds (arms and hands) and personal weapons (body weight, fist, and knee).

Deputy [redacted] control holds and handcuffing.

Deputy [redacted] used control holds and hobble.

Sergeant Castillo directed Deputy [redacted] to apply the hobble, then directed Deputy Womack to apply a TARP.

WEAPONS USED BY THE SUBJECT:

Suspect Smith pushed and grabbed onto two civilian mental health employees and he was resistive and uncooperative to Deputies Herrera, Womack, Nguyen, [redacted] and [redacted]

PROPERTY DAMAGE:

There was no property damage during the fight with the deputies.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Jail Investigations Unit Detective Roberto Bayes #[redacted]
Court:	None.
Charges Filed:	None.
D.A. Case Number:	None.

On December 14, 2011, Detective Bayes presented the case to the Los Angeles City Attorney's office. On January 24, 2012, the City Attorney Complaint Deputy, L. Allice, rejected the case because the victim and witness declined to testify, in the interest of justice, and because the victim's injury was minimal. Refer to Detective Bayes' supplemental report, case closeout report and the City Attorney's declination worksheet, presented as ***Exhibits X and Z.***

LIGHTING AND WEATHER CONDITIONS:

The incident occurred in a well-lit elevator within the facility.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Jose Herrera *was interviewed on May 8, 2012, at 1010 hours, by IAB Sergeants Dinah Grote and Laura Haynes, at the IAB Commerce office. He was represented by Attorney Audra Call from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Involved Employees****, in the case book.*

Deputy Herrera stated he assisted in the monitor of the inmate's pill call on the 8000 Floor. He stood near a wall, which is near the chairs and a floor bench located next to the pill call door, across from the two elevators. He said Deputy Womack was closing cell doors along the same wall where he stood, and Inmate Smith was seated at a floor bench on an adjacent to a wall across from the elevators.

Deputy Herrera saw two civilian mental evaluation employees walk toward the elevators and enter Elevator #4. Suddenly, Inmate Smith screamed, stood up, raised his hands, and ran into Elevator #4. Deputies Herrera and Womack then ran to the elevator. As Deputy Herrera entered the elevator, the two civilians ran out.

Inside the elevator, Inmate Smith was faced to the right rear corner of the elevator waving his hands erratically and shouting. Deputies Herrera and Womack ordered Inmate Smith to the ground, but he did not comply as he continued to yell and thrust his arms about. Deputy Herrera went to the inmate's left side and Deputy Womack went to the inmate's right side. Deputy Herrera said he wrapped his arms around the inmate's stomach/torso area while Deputy Womack grabbed onto an unknown area of the inmate.

Deputy Herrera used his body weight, and assisted Deputy Womack in pulling Inmate Smith down onto the elevator floor. Other than pulling the inmate downward, Deputy Herrera did not recall how they were able to get him down to the ground. He said Inmate Smith landed on his stomach with the inmate's head pointed toward the rear of the elevator and his feet pointed toward the open elevator door. When the inmate landed on the ground, Deputy Herrera dropped down to one knee on the left side of the inmate's body near his upper torso/shoulder area. He said Deputy Womack was on the right side of the inmate's body.

> **IAB Note:** Deputy Herrera stated that when they went to the ground, he was unable to put out radio transmissions. He said he yelled to other deputy personnel to put out radio traffic, which he (Herrera) heard being broadcasted over the handheld radio.

Deputy Herrera stated Inmate Smith's arms were fully extended out in front of his (Smith's) body toward the back wall of the elevator as if in a "superman" pose. He attempted to grab Inmate Smith's left arm, but Smith held his arm above his (Smith's) head. Deputy Herrera attempted to grab Inmate Smith's left arm/hand, but Smith kept pulling it from him and Smith did the same to Deputy Womack who was trying to grab Smith's right arm. Both deputies gave commands to Inmate Smith to place his hands behind his back, but he did not comply.

Deputy Herrera then saw Deputy Womack deploy his O.C. spray, and spray Inmate Smith's facial area with a three to four second burst. He said Inmate Smith became more enraged and combative as he kicked his feet and shifted his body side to side in an attempt to turn onto his back or to get up. Deputy Herrera attempted to place Inmate's left arm in a wrist lock, but was unsuccessful.

Deputy Herrera used his body weight to hold down Inmate Smith while he continued to pull on Inmate Smith's left arm. He saw Deputy Nguyen enter the elevator to his right side near the inmate's legs. Still unsuccessful in gaining control of the inmate's left arm and because of the inmate's continued resistance, Deputy Herrera punched the right side of Inmate Smith's face approximately five times with his right fist while giving him commands to stop fighting.

> **IAB Note:** Deputy Herrera did not recall if his punches were in succession or delayed.

Deputy Herrera believed his punches were successful because he was able to pull Inmate Smith's left arm behind his (Smith) back. He said Deputy Nguyen assisted him by handcuffing the inmate's left wrist and maintained control of the left arm/wrist. He said Deputy Womack had not yet gained control of Inmate Smith's right arm, which was still extended outward. He then heard Deputy Womack request a Taser.

Deputy Herrera stated he was handed a Taser. He said he could not fire the darts because Deputy Womack was using his body weight to hold down the inmate, which limited the space Herrera needed to fire the darts into the inmate's back. So, Deputy Herrera removed the cartridge from the Taser, placed the Taser on Inmate Smith's right shoulder area, then drive stunned him with a five-second cycle. This was not effective because Inmate Smith continued to struggle, so Deputy Herrera drive stunned Inmate Smith's right forearm with a five-second cycle, which was not effective because the inmate would not give up his right arm.

> **IAB Note:** Deputy Herrera estimated 10-20 second intervals between each between each drive stun application, so that he could assess the effects.

Still failing to comply with Deputies Herrera and Womack's orders to stop resisting and to place his hands behind his back, Deputy Herrera drive stunned Inmate Smith's right forearm for another five-second cycle, which proved to be effective because Deputy Womack was able to grab onto the inmate's right arm and place it behind the inmate's back. Deputy Herrera said Deputy [redacted] assisted Deputies Nguyen and Womack in handcuffing the inmate's right wrist.

Because Inmate Smith continued to kick his legs, Deputy Herrera stated he heard Sergeant Castillo direct Deputy [redacted] to apply the hobble to the inmate's legs, which was done. Then, Deputy Womack attached the hobble clip to the handcuffs. Deputy Herrera and Deputy Womack lifted Inmate Smith from his armpits and carried him from the elevator to the hall. Inmate Smith was then placed in an upright position where he was monitored and treated by the Jail's medical personnel.

Deputy Herrera said he contacted the female [redacted] mental evaluation worker that was in the elevator when Inmate Smith ran in. Ms. [redacted] told Deputy Herrera that she was standing next to her co-worker ([redacted] as they entered the elevator when she heard a scream, turned, and saw Inmate running at her. Backing further into the elevator, Ms. [redacted] said Inmate Smith grabbed the upper part of her right arm and attempted to wrap his arms around her. She was able to pull away and run out of the elevator just as deputies entered the elevator.

Deputy Herrera contacted Mr. [redacted] He told Deputy Herrera that he heard a scream and was then knocked to the ground by Inmate Smith who ran past him toward Ms. [redacted] He said Ms. [redacted] was surrounded by Inmate Smith, but was able to escape and exit the elevator in which Mr. [redacted] followed her as deputy personnel arrived.

Deputy Herrera stated the inmate's fractured orbital could have possibly been caused by his punches or by striking the elevator floor from the take down. Deputy Herrera stated he reported his force to Sergeant Jabari Williams. Deputy Herrera estimated the fight/struggle lasted approximately ten minutes and that he was not injured in this incident. For further, refer to copies of the Incident Report, photographs of the victim's injuries, Inmate Assault Load Sheet, Taser Report, Deputy Herrera's training records and photographs of the elevator area, ***(Exhibits A, B, C, D, E and W)***, in the case book.

Deputy Noel Womack *was interviewed on April 12, 2012, at 1017 hours, by IAB Sergeant Dinah Grote, at the IAB Commerce office. He was represented by Attorney Audra Call from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* **Transcribed Interviews-Involved Employees**, *in the case book.*

Deputy Womack said he was conducting pill call on the 8000 Floor, along with Deputy Herrera, when he saw two civilian Jail Mental Evaluation Team employee's walk into Elevator #4. He stated Inmate Smith stood up, screamed out, and then placed his palms on the sides of his head as he ran inside the open elevator behind the two civilians.

Immediately, Deputies Womack and Herrera ran toward Elevator #4. As they approached the open elevator door, both civilians ran out. Deputy Womack saw Inmate Smith faced toward the rear elevator wall in the right rear corner, screaming and waving his arms/hands in the air above his head. Deputy Womack approached Inmate Smith from the inmate's right side and Deputy Herrera was on the inmate's left side. Deputy Womack placed his left hand on Inmate Smith's back, reached out with his left hand and grabbed the inmate's right arm. Inmate Smith moved his body back and forth in attempt to break from Deputy Womack's grasp and continued to scream out unintelligible words.

Still holding onto Inmate Smith's right bicep/tricep area, Deputy Womack used his body weight and pushed against Inmate Smith's back. This caused Inmate Smith's upper body to go forward with his (Smith's) feet sliding back, causing Inmate Smith to fall onto his stomach area with Deputy Womack landing on Smith's back, maintaining his grasp on the inmate's right arm.

On the ground, Deputy Womack used the left side of his body to hold down the right side of inmates' upper body because Inmate Smith moved side to side with his right arm extended out to his (Smith's) side. The right side of Womack's body was on the floor. Using his right hand, Deputy Womack reached out and grabbed Inmate Smith's right wrist.

Upon Deputy Womack grabbing the inmate's wrist, Smith's body immediately tensed up and he attempted to pull his right arm from Womack's grasp, inward to his chest area. Deputy Womack made several attempts to pull Inmate Smith's right arm behind his back, but the inmate refused/resisted Womack's efforts and commands to stop fighting. Releasing Inmate Smith's right wrist, Deputy Womack grabbed his O.C. spray and administered a three to four second burst of O.C. spray to the inmate's facial area. This did not appear to have any effect on the inmate because he continued to ignore the deputies' commands to give up his hands and violently thrashed his body from side to side more than he had prior to spraying the O.C.

Again, Deputy Womack attempted to gain control of the inmate's right arm, but Inmate Smith kept pulling his arm from Womack's grasp. In an attempt to gain compliance, Deputy Womack punched the right side of Inmate Smith's face with three consecutive punches with his right fist.

Not seeing any effects from his punches, Deputy Womack quickly punched Inmate Smith's right shoulder area with three consecutive punches with his right fist, which did not appear to have any effect because Inmate Smith kept pulling his arm to his chest area, which prevented Deputy Womack from gaining control of his right arm. Deputy Womack then yelled to assisting deputies to retrieve a Taser.

Almost immediately, Deputy Herrera was given a Taser. As Deputy Womack attempted to grab Inmate Smith's right arm, simultaneously, Deputy Herrera applied a drive stun to Inmate Smith's body right shoulder area. Deputy Womack heard the Taser being activated, but he did not recall if he saw it. The drive stun did not appear to have any effect because Inmate Smith continued to resist Womack's efforts by pulling his arm from Womack's grasp.

Deputy Womack stated that Deputy Herrera then drive stunned Inmate Smith with two more applications to the inmate's right forearm. He said the second application to the forearm proved to be effective because it allowed him to grab Inmate Smith's right arm and to place it behind the inmate's back. Although Inmate Smith's arm was behind his back, Smith continued to move his body back and forth. Deputy Womack held on Inmate Smith until Deputy [redacted] was able to handcuff him.

After being handcuffed, Inmate Smith continued to violently kick his legs/feet, so Sergeant Castillo directed Deputy [redacted] to apply the hobble to Inmate Smith's legs. Deputy Womack used his body weight and left knee, and placed it across Inmate Smith's legs so that Deputy [redacted] could place the hobble around the inmate's legs. Once that was done, Deputy Womack slid the hobble up to the inmate's knees and secured the clip to the handcuffs.

Deputies Womack and Herrera then lifted Inmate Smith from his armpits and escorted him from the elevator and to the floor bench across from the elevators. The inmate was placed in a seated position until he was treated by medical personnel. Deputy Womack noticed the inmate's demeanor had changed in that he appeared to be calm. Deputies Womack, Herrera and Nguyen then left the immediate area, away from Inmate Smith.

Deputy Womack stated that although Deputy Herrera was with him, he did not see Herrera's actions or force because he (Womack) was focused on gaining control of the inmate. When he administered his punches to the inmate's face, peripherally and off to his left, he noticed Deputy Nguyen had arrived and was on the inmate's left side with Deputy Herrera, but did not see his actions.

Deputy Womack estimated the fight/struggle lasted approximately five minutes and that he was not injured in this incident. For further, refer to his supplemental report, his training records, and photographs of the elevator area ***(Exhibits F, G, and W)***, in the case book.

***Deputy Christopher Nguyen** was interviewed on April 16, 2012, at 1005 hours, by IAB Sergeant Dinah Grote, at the IAB Commerce office. He was represented by Attorney Audra Call from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the **Transcribed Interviews-Involved Employees**, in the case book.*

Deputy Nguyen stated he was working the 8100 Control Booth with Deputy Esquibel when he heard shouting coming from the 8000 Floor hallway. As he ran toward the 8000 Floor, Deputy Nguyen saw two civilian employee's running out of the elevator, and he heard screaming coming from the elevator. As Deputy Nguyen ran, he heard Deputy Esquibel transmit the deputy-involved fight via his handheld radio.

When Deputy Nguyen arrived at Elevator #4, he looked inside and saw Deputies Herrera and Womack on the ground fighting with Inmate Smith who was kicking his feet/legs. The inmate was laying face down with his head pointed toward the rear wall and his feet pointed toward the elevator door. Deputy Womack was on the inmate's right side and Deputy Herrera was on his left side. Both deputies were located near the inmates upper torso area.

Deputy Nguyen heard Deputies Womack and Herrera order the inmate to stop fighting and to place his hands behind his back. Nguyen saw Deputies Womack and Herrera attempt to gain control of the inmate's arms, but the inmate did not comply with their orders. He then heard Deputy Esquibel use his handheld radio to broadcast a deputy-involved fight.

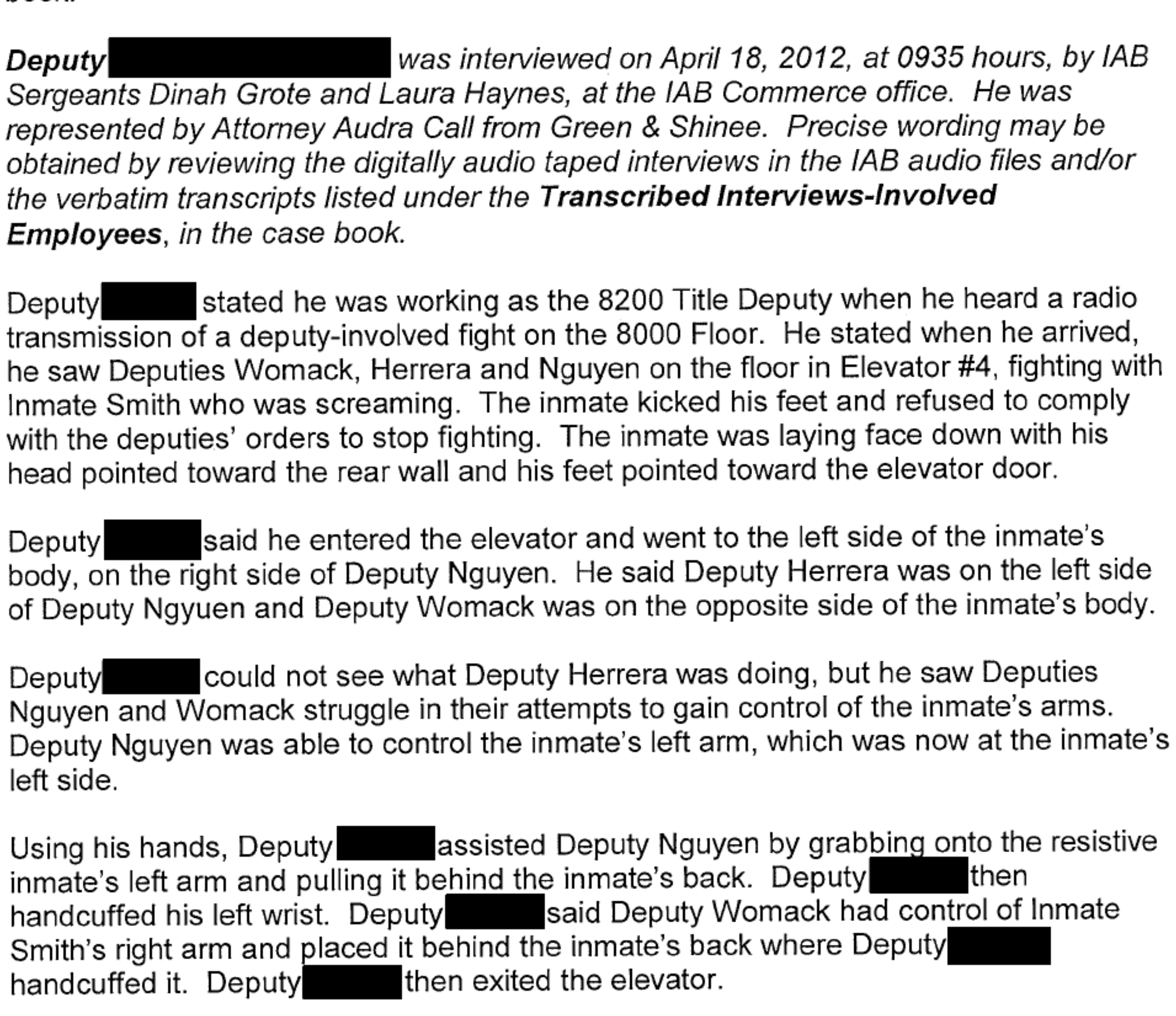
Not wanting the deputies to be struck by the inmate's legs, Deputy Nguyen wrapped his arms around the inmate's legs in an attempt to secure them, but the inmate continued to kick his feet and he began to turn on his stomach and shift his weight as if to turn onto his back.

Releasing the inmate's legs, Deputy Nguyen moved to Deputy Herrera's right side near Inmate Smith's waist area. Crouching over the inmate's body, Deputy Nguyen attempted to grab the inmate's left arm as he flailed it above his head, but the inmate pulled it from Nguyen's grasp.

To gain compliance and to prevent assault on the deputies, Deputy Nguyen punched the right side of Inmate Smith's face once with his right fist, which met with negative results as the inmate continued to fight. In an attempt to get Inmate Smith to give up his arms, Deputy Nguyen kneed Inmate Smith's left ribs area two to three times with his right knee, which had no effect because the inmate's arms were still flailing above his head.

Deputy Herrera was then able to grasp Inmate Smith's left arm and pull it back toward Deputy Nguyen. They both pulled Inmate Smith's arm behind his back where Deputy [redacted] handcuffed his left wrist.

Sometime during the altercation, Deputy Nguyen heard Sergeant Castillo's voice, but he did not know what she had said. Deputy Nguyen smelled the odor of O.C. spray when he entered the elevator, but he did not witness any other force other than when Deputies Herrera and Womack pulled the inmate's arms behind his (inmates') back. Although Deputy Nguyen was affected by the O.C. spray, he was not present when it was deployed. He said he did not sustain any injury and he estimated the fight lasted approximately 10 minutes. For further, refer to his supplemental report, his training records, and photographs of the elevator area, ***(Exhibits H, I, and W)***, in the case book.



Deputy [redacted] *was interviewed on April 18, 2012, at 0935 hours, by IAB Sergeants Dinah Grote and Laura Haynes, at the IAB Commerce office. He was represented by Attorney Audra Call from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* **Transcribed Interviews-Involved Employees**, *in the case book.*

Deputy [redacted] stated he was working as the 8200 Title Deputy when he heard a radio transmission of a deputy-involved fight on the 8000 Floor. He stated when he arrived, he saw Deputies Womack, Herrera and Nguyen on the floor in Elevator #4, fighting with Inmate Smith who was screaming. The inmate kicked his feet and refused to comply with the deputies' orders to stop fighting. The inmate was laying face down with his head pointed toward the rear wall and his feet pointed toward the elevator door.

Deputy [redacted] said he entered the elevator and went to the left side of the inmate's body, on the right side of Deputy Nguyen. He said Deputy Herrera was on the left side of Deputy Ngyuen and Deputy Womack was on the opposite side of the inmate's body.

Deputy [redacted] could not see what Deputy Herrera was doing, but he saw Deputies Nguyen and Womack struggle in their attempts to gain control of the inmate's arms. Deputy Nguyen was able to control the inmate's left arm, which was now at the inmate's left side.

Using his hands, Deputy [redacted] assisted Deputy Nguyen by grabbing onto the resistive inmate's left arm and pulling it behind the inmate's back. Deputy [redacted] then handcuffed his left wrist. Deputy [redacted] said Deputy Womack had control of Inmate Smith's right arm and placed it behind the inmate's back where Deputy [redacted] handcuffed it. Deputy [redacted] then exited the elevator.

Deputy [redacted] stated he smelled O.C., which made him cough. He said heard a Taser being activated about the same time he applied the handcuff to the inmate's left wrist. Because of the deputies yelling out commands, he only heard the sound of the Taser activation once, and he did not hear Sergeant Castillo's voice during the incident, but saw her when he stepped out of the elevator. He did not notice that the inmate was hobbled because he walked away from the elevator.

From the radio transmission of the fight, Deputy [redacted] estimated it took him less than one minute to arrive at the elevator. He said it took approximately three more minutes to get the inmate completely handcuffed, and that he was not injured during this incident. For further, refer to his supplemental report, his training records, and photographs of the elevator area, ***(Exhibits J, K, and W)***, in the case book.

Deputy [redacted] *was interviewed on April 17, 2012, at 1010 hours, by IAB Sergeants Dinah Grote and Laura Haynes, at the IAB Commerce office. He was represented by Attorney Audra Call from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* **Transcribed Interviews-Involved Employees**, *in the case book.*

Deputy [redacted] stated he was working 1750 Module when he heard via his handheld radio of a disturbance on the 8000 Floor. He stated he took the elevator up to the 8000 Floor, which took approximately one minute.

Upon his arrival, he saw Sergeant Castillo standing at the threshold to Elevator #4. He saw Deputies Herrera, Nguyen and Womack in the elevator, on the floor fighting with an inmate who was making grunting sounds. The inmate was laying face down and his hands tucked underneath his chest. The inmate's head was pointed to the rear wall and his feet pointed toward the elevator door. He was kicking his legs back and forth, and in an up and down motion toward the deputies. Deputy [redacted] heard deputy personnel give the inmate several commands to stop fighting and to place his hands behind his back, but the inmate did not comply.

Sergeant Castillo directed Deputy [redacted] to hobble the inmate's ankles, which he did but the inmate kicked his legs out of the hobble. Deputy [redacted] reapplied the hobble in between the inmate's erratic kicking and moved the hobble up to the inmate's knees where Deputy [redacted] tightened the hobble belt. Due to the elevator's close quarters, Deputy [redacted] stepped out of the elevator. At this point, Inmate Smith was handcuffed.

After Inmate Smith was placed on the bench, he was apologetic and told deputies that he loved them. Deputy [redacted] estimated that when he arrived to the point Inmate Smith was handcuffed, approximately 20 seconds had elapsed. He stated he was not injured in this incident. For further, refer to his supplemental report, his training records, and photographs of the elevator area, ***(Exhibits L, M, and W)***, in the case book.

Sergeant Maricela Castillo *was interviewed on March 28, 2012, at 0958 hours, by IAB Sergeant Dinah Grote, at the Men's Central Jail. She declined representation during the interview. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Involved Employees****, in the case book.*

Sergeant Castillo stated she was walking toward the Watch Commander's office and heard a radio transmission of a deputy-involved fight in the 8000 Floor elevator. Sergeant Castillo took the staircase, along with several other responding deputies. She said Sergeant Rosa Estep was following her a few steps behind.

Approximately 45-60 seconds later, Sergeant Castillo arrived on the 8000 Floor went to the elevators. Castillo said Sergeant Estep was behind her, but passed the elevators because she went to assist a crying female civilian (Ms. [redacted]), and a male who stood nearby in the hallway.

Upon her arrival at Elevator #4, Sergeant Castillo saw Deputy Dominguez standing outside the open elevator door and she could smell the odor of O.C. spray. She said the O.C. Spray affected deputy personnel, but it did not appear to have any effect on the inmate due to his assaultive behavior. She saw Deputy [redacted] on his knees at elevator door jamb attempting to place a hobble on the inmate's legs. Standing outside the elevator, Sergeant Castillo looked in and saw Inmate Smith laying face down on the upper right side of Elevator #4. She heard the deputies give commands to the inmate to stop fighting, but he did not comply.

Inmate Smith was moving his body in an upward motion as if trying to get up, and he was violently kicking his legs. He refused the deputies' commands to place his hands behind his back. Deputy Herrera was on the left side of the inmate's body near the inmate's shoulder/head area. He held a Taser against Inmate Smith's upper back/shoulder area and drive stunned him. The Taser appeared to have malfunctioned because it had no effect on the inmate who continued to move his body violently. Also, Sergeant Castillo did not hear any sound coming from the Taser.

Deputy Womack was on the right side of the inmate's body, up against the right wall, trying to gain control of the inmate's right arm to place it behind the inmate's back, but Inmate Smith flared his arm away from Womack.

Deputy [redacted] was on the left side of the inmate's body, leaning over the left hip area with his back faced toward Sergeant Castillo. She could not see his actions. She saw Deputy Nguyen in between Deputies Herrera and [redacted] near the inmate's mid-upper torso area in a possible squat position, trying to gain control of the inmate's left arm.

Sergeant Castillo said her attention was drawn to Deputy [redacted] who had difficulty in hobbling the inmate's ankles because the inmate kicked his feet violently and was able to kick the hobble off. Sergeant Castillo said the inmate continued to kick his legs, and Deputies Womack, Nguyen and Herrera, were having difficulty in securing the inmates' arms, so Sergeant Castillo directed Deputy [redacted] to hobble the inmate's feet, which he did. [redacted] pulled the hobble belt up to the inmate's knees and tightened the slack.

She stated that while she was directing Deputy [redacted] to apply the hobble, Deputy [redacted] had handcuffed the inmate's left wrist and Deputy Womack pulled the inmate's right arm behind the inmate's back and Deputy [redacted] handcuffed it. Deputies [redacted] and Nguyen then exited the elevator.

Although Inmate Smith's legs were hobbled, he continued to move his legs in an up/down motion. Sergeant Castillo then directed Deputy Womack to TARP the inmate, by attaching the hobble clip to the handcuffs. Even though the inmate was TARPed, the slack in the belt was loosened so that the inmate could stretch his legs out.

Sergeant Castillo said the complete TARP was not applied to Inmate Smith because the cord did not go through his legs and the legs were not pulled back to his buttocks. She said the hobble was secured around the inmate's knees and there was slack in the hobble belt to allow the inmate's legs to be extended out before it was clipped to the handcuffs.

Deputies Womack and Herrera lifted Inmate Smith and carried him to the nurse's station. They laid the inmate on the ground, then placed him on his right side, where nursing staff was present. Within two minutes, Deputies Womack and Herrera assisted the inmate to his feet and then sat him down on a bench, in an upright position.

After the inmate had calmed down, he told Sergeant Castillo he had attacked the doctors and that he had "snapped." Sergeant Castillo continued to monitor the inmate until the arrival of the Los Angeles County Fire Department.

Sergeant Castillo stated Lieutenant Robin Limon was notified of the incident and she responded. The hobble clip was removed from the handcuffs during the Watch Commander's interview. Sergeant Castillo estimated Inmate Smith was TARPed for approximately five minutes. She said the inmate was transported to the Los Angeles County Medical Center (LCMC) without a TARP or hobble.

Sergeant Castillo stated she did not witness any punches being used by the deputies. She said the incident was very volatile and fluid. From the time Sergeant Castillo arrived to the point the inmate was handcuffed/hobbled, she estimated approximately 20-30 seconds had elapsed. Sergeant Castillo was affected by the O.C. spray, but was not injured. For further, refer to Sergeant Castillo's supplemental report, her sketch, her training records, and photographs of the elevator area, ***(Exhibits N, O, and W)***, in the case book.

EMPLOYEE WITNESSES STATEMENTS:

Deputy Mark Dominguez *was interviewed on March 22, 2012, at 1130 hours, by IAB Sergeants Dinah Grote and Laura Haynes, at the IAB Commerce office. He was represented by Attorney Audra Call from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Employee Witnesses****, in the case book.*

Deputy Dominguez stated he heard a radio transmission of a deputy-involved fight on the 8000 Floor landing. He responded from module 1750 via the elevator, near the 6000 Control Booth, taking the elevator to the 8000 Floor. Approximately two minutes later, Deputy Dominguez arrived and saw an inmate laying face down, wiggling around, on the floor in Elevator #4. The inmate's head was pointed toward the rear wall and his feet pointed toward the elevator door. He said two deputies were on the left side of the inmate's body, and one deputy was on the right side.

Deputy Dominguez recalled seeing three deputies, but at the time of the struggle, he did not see their faces or know their placement. He said the deputies attempted to place the inmate's hands behind his (inmate) back, but it was a struggle. Because the elevator door was closing, Deputy Dominguez turned his body sideways and leaned back against the door to hold it in the open position. He then scanned his eyes back and forth between the hallway and the fight until other deputy personnel arrived. He said the deputies' backs were faced toward him, so he could not see their actions other than them trying to grasp the inmate's arms.

Deputy Dominguez stated he did not assist because it appeared there were enough personnel and there was little space for him in the elevator. He said the deputies gained control of the inmate's hands and handcuffed him. When the deputies turned around, Deputy Dominguez saw the involved deputies, Womack, Herrera and Nguyen. During the incident, Deputy Dominguez did not recall seeing Sergeant Castillo or Deputies [redacted], [redacted] and Esquibel. Also, he did not see/hear a Taser nor see the hobbling or TARP used on the inmate.

Deputy Dominguez estimated that the inmate was handcuffed within 20-30 seconds of his arrival. For further, refer to his supplemental report, his sketch, and photographs of the elevator area, ***(Exhibits P and W)***, in the case book.

Deputy Gary Esquibel *was interviewed on June 5, 2012, at 1415 hours, by IAB Sergeant Dinah Grote, at the IAB Commerce office. He declined representation during the interview. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Employee Witnesses****, in the case book.*

Deputy Esquibel stated he and Deputy Nguyen were in the office of 8100/8200 when he heard a female voice shout from the area of the elevators. As Deputies Esquibel and Nguyen exited the office, Deputy Esquibel saw a female civilian exit Elevator. They ran toward the female and learned the female was pushed by a man in the elevator.

When they arrived at Elevator #4, Deputies Esquibel and Nguyen entered the elevator and stood to the left of the struggle. Immediately, Deputy Esquibel could smell the odor of O.C. spray and he began to feel the effects. On his right side, Deputy Esquibel saw Deputies Womack and Herrera on the elevator floor struggling with an inmate. The inmate was laying face down, kicking his legs, swinging his arms, and screaming. He said Deputy Herrera was on the right side of the inmate, near his upper legs.

Deputy Esquibel did not recall the placement of Deputy Womack. He said because the inmate was kicking his legs, Deputy Nguyen went to secure the inmate's legs. Esquibel stated he wanted to assist, but between the confined space in the elevator and the O.C. spray, he had difficulty breathing, so he exited to get fresh air.

When re-entered, again he was affected by the O.C. spray. So, he exited the elevator. Deputy Herrera then advised him to radio broadcast the fight. As he broadcasted the fight, other deputy personnel from the floor arrived, so he remained in the hallway to get fresh air. He said Sergeant Castillo arrived approximately one minute after the incident started. He did not witness the use of the punches, knee strikes, O.C. spray, Taser or TARP/hobble/Tarp.

Deputy Esquibel estimated that 60-90 seconds had elapsed from the time he arrived up until the time the inmate was handcuffed. Deputy Esquibel did feel the effects from the O.C. spray, but he was not injured. For further, refer to his supplemental report, the Inmate Injury/Illness Report, and photographs of the elevator area, ***(Exhibits Q, R, and W)***, in the case book.

NON-EMPLOYEE WITNESS STATEMENT:
None.

SUSPECT STATEMENTS:
After the incident, Men's Central Jail Lieutenant Robin Limon and Sergeant Rosa Estep conducted an interview with Suspect Timothy Smith, which was video-recorded. Below is a summary of that interview. Precise wording may be obtained by reviewing the digitally audio taped interview in the IAB audio files, and/or the verbatim transcripts listed under the ***Transcribed Interviews - Suspect****, in the case book, or by reviewing the DVD, presented in* ***Exhibit V****, of the case book.*

Inmate Smith stated he had "flipped out" and attacked two workers in the elevator corridor. He said he had not been taking his bipolar medication and that he did not mean to hurt anyone. He said he was nervous because he knew he was going to be released soon.

> **IAB Note:** In the MCJ interview (DVD), medical personnel appeared to be treating/checking him re: low blood sugar level for his diabetes.

*On October 16, 2011, at approximately 1605 hours, Sergeants Dinah Grote and John Rossi, both from Internal Affairs Bureau, interviewed Inmate Smith, while he was housed at the Los Angeles County-USC Medical Center. Below is a summary of that interview. Precise wording may be obtained by reviewing the digitally audio taped interview in the IAB audio files, and/or the verbatim transcripts listed under the **Transcribed Interviews - Suspect**, in the case book.*

Inmate Smith said he was seated on the bench waiting to see a doctor in order to get his medication. He recalled the elevator door opening, screaming and jumping up from the bench, then running into the elevator where he accidentally assaulted two mental heath workers. He said about that time things became a blur, but it seemed like "people" were trying to get him down, and he believed it to be law enforcement personnel.

Inmate Smith recalled being down on his hands and knees. He was told to get down, then pushed down. He recalled deputies trying to put his hands behind his back. Inmate Smith said he was not combative and that he attempted to comply with the deputies' orders. He stated he went down to the ground by himself and that the deputies handcuffed him, sat him up, then placed him onto a Gurney.

Inmate Smith did not know if a deputy punched him or if he fell down, causing his facial injuries. He takes Seroquel and Ambilify for his bipolar disorder. Inmate Smith said he had not taken any bipolar medication since coming into custody on September 25, 2012.

He stated he was on the 8000 Floor because he needed regular insulin shots, and he did not think his episode was caused by his diabetes/low blood sugar level, but by his depressive state of mind.

> **IAB Note:** Inmate Smith's booking/housing information indicated he had arrived at the Inmate Reception Center on October 14, 2011, at 1822 hours. Refer to a copy of his booking/housing information provided in the "***Miscellaneous Documents***" section of the case book.

Inmate Smith stated that other than the deputies putting his hands behind his back, he did not recall deputies giving him orders, being punched, Tasered, or TARPed. Inmate Smith said that when he has a medical episode at home, it takes about five to six emergency medical technicians to restrain him.

MISCELLANEOUS SECTION:
None.